

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:15-CR-139-T-26TGW

CORY J. QUINTANA

**NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,  
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully alleges as follows:

1. The defendant in this case has indicated that he will enter a plea of guilty to the charges set forth in the Indictment.
2. In order to assist the Court in the final disposition of the case, the United States files the instant Notice setting forth the applicable essential elements of the offense, the applicable penalties, and the factual basis that would be established at trial.

**ESSENTIAL ELEMENTS**

Defendant will enter a plea of guilty to Count One of the Indictment. Count One charges the defendant with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

The essential elements of Count One are:

- First: That the defendant knowingly possessed a firearm or ammunition in or affecting interstate or foreign commerce; and
- Second: That before the defendant possessed the firearm or ammunition, the defendant had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year, that is, a felony offense.

### **PENALTIES**

The penalty for the offense charged in Count One of the Indictment is a maximum term of 10 years imprisonment, a fine of up to \$250,000, a term of up to three years supervised release, and a special assessment of \$100 per felony count, said special assessment to be due on the date of sentencing.

### **FACTUAL BASIS**

On February 25, 2015, Polk County Sheriff's Office, in conjunction with state probation officers, conducted probation checks on local probationers with known gang ties. The defendant, a known member of Sur 13, was one of these probationers.

The defendant resided in Lakeland at 106 W. Carver St. with his girlfriend, grandparents, and aunt. On February 25, 2015, Officers Dallas Hughes and Garrett Zeigler, and probation Officer Phillip Cote, arrived at the defendant's residence in Lakeland to conduct a compliance check. The defendant's grandparents answered the door, and invited officers in.

Officer Hughes asked the defendant for consent to search his room. The

defendant agreed, and led the officers to his room. Upon arriving in the bedroom in which the defendant slept, officers viewed a butterfly knife on the floor near the bed, which was a violation of the defendant's state probation order. Officer Hughes then lifted the mattress on which the defendant slept and discovered a loaded Silver Taurus .38-caliber revolver, Serial Number JE302652. Officers additionally discovered and seized 18 rounds of .38-caliber ammunition in a baggie next to the firearm.

The defendant was placed under arrest and brought to the central substation, where he was given *Miranda* warnings and interviewed. The defendant admitted that the firearm belong to him, and stated he had last held it a few days prior to the search. He further stated that he understood that he was not allowed to possess a firearm as a convicted felon.

Prior to possessing the Silver Taurus .38-caliber revolver, Serial Number JE302652 and 18 rounds of .38-caliber ammunition on February 25, 2015, the defendant had been convicted of the following felony offense:

1. Aggravated Battery, Aggravated Assault, and Possession of a Short-Barreled Rifle, in the Circuit Court of the Tenth Judicial Circuit, in and for Polk County, Florida, Case Number 53-2009-CF006682-01XXXX on or about February 17, 2010.

The defendant's civil right to possess a firearm and ammunition has not been restored, and he has no pending applications for clemency.

The Silver Taurus .38-caliber revolver, Serial Number JE302652, was manufactured in Brazil, and traveled in interstate or foreign commerce in order to

arrive in Florida. The 18 rounds of .38-caliber ammunition was manufactured in Connecticut, Arkansas, or Korea, and traveled in interstate or foreign commerce in order to arrive in Florida.

### **FORFEITURE**

From his engagement in the violation described herein, the defendant is obligated to forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense.

The property that must be forfeited includes, but is not limited to, the following: Silver Taurus .38-caliber revolver, Serial Number JE302652 and 18 rounds of .38-caliber ammunition.

If any of the property described above as being subject to forfeiture as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred, sold or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

Respectfully submitted,

A. LEE BENTLEY, III  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2015, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Adam Nate, Esq.

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